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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/942,974	08/31/2001	Frederick J. Cassels		7956
7590 10/29/2003			EXAMINER	
Elizabeth Arwine			GITOMER, RALPH J	
Patent Attorney U.S. Army Medical Research & Materiel Command			ART UNIT	PAPER NUMBER
504 Scott Street			1651	
Fort Detrick, MD 21702-5012			DATE MAIL ED: 10/29/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

09/942,974

Cassels et al.

Examiner

Ralph Gitomer

Art Unit **1651**



	The MAILING DATE of this communication appears	on the cover sheet with the correspondence address	
Period	for Reply		
THE	ORTENED STATUTORY PERIOD FOR REPLY IS SET MAILING DATE OF THIS COMMUNICATION.		
mailing - if the - if NO - Failure - Any re	g date of this communication. period for reply specified above is less than thirty (30) days, a reply within t	and will expire SIX (6) MONTHS from the mailing date of this communication. he application to become ABANDONED (35 U.S.C. § 133).	
Status			
1) 🗶	Responsive to communication(s) filed on Aug 31, 2	2001	
2a) 🗌	This action is FINAL . 2b) [X] This act	tion is non-final.	
3) 🗆	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposi	ition of Claims		
4) 💢	Claim(s) <u>1-9</u>	is/are pending in the application.	
4	4a) Of the above, claim(s)	is/are withdrawn from consideration.	
5) 🗆	Claim(s)	is/are allowed.	
6)	Claim(s)	is/are rejected.	
7)	Claim(s)	is/are objected to.	
8) 🔀	Claims <u>1-9</u>	are subject to restriction and/or election requirement.	
Applica	ation Papers		
9) 🗌	The specification is objected to by the Examiner.		
10)	The drawing(s) filed on is/are	e a) 🗍 accepted or b) 🗀 objected to by the Examiner.	
	Applicant may not request that any objection to the o	drawing(s) be held in abeyance. See 37 CFR 1.85(a).	
11)[]	The proposed drawing correction filed on is: a) approved b) disapproved by the Exam		
	If approved, corrected drawings are required in reply	to this Office action.	
12) []	The oath or declaration is objected to by the Exam	iner.	
	under 35 U.S.C. §§ 119 and 120		
	Acknowledgement is made of a claim for foreign p	riority under 35 U.S.C. § 119(a)-(d) or (f).	
	All b) Some* c) None of:		
	1. i Certified copies of the priority documents have		
		ve been received in Application No	
	application from the International Bure the attached detailed Office action for a list of the action for a list of the control of the international Bure.		
14)	Acknowledgement is made of a claim for domestic	priority under 35 U.S.C. § 119(e).	
a)	The translation of the foreign language provisions		
15)	Acknowledgement is made of a claim for domestic	priority under 35 U.S.C. §§ 120 and/or 121.	
Attachm	nent(s)		
1) N	otice of References Cited (PTO-892)	4) Interview Summary (PTO-413) Paper No(s)	
	otice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal Patent Application (PTO-152)	
3) [] Im	formation Disclosure Statement(s) (PTO-1449) Paper No(s).	6) Other:	



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Serial No. 09/942,974 Art Unit 1651

Restriction to one of the following inventions is required under 35 U.S.C. 121:

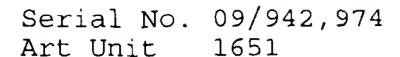
I. Claims 1, 2, 4-8, drawn to a process for identifying bacterial colonization factors, classified in class 435, subclass 30.

II. Claims 3, 9, drawn to a composition of bacterial colonization factor, classified in class 435, subclass 41.

The inventions are distinct, each from the other because:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the composition could be with methods other than those of Group I.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.



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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ralph Gitomer whose telephone number is (703) 308-0732. The examiner can normally be reached on Tuesday-Friday from 8:00 am - 5:00 pm. The examiner can also be reached on alternate Mondays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on (703) 308-4743. The fax phone number for this Art Unit is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235. For 24 hour access to patent application information 7 days per week, or for filing applications electronically, please visit our website at

www.uspto.gov and click on the button *Patent Electronic Business Center* for more information.

Ralph Gitomer

Primary Examiner Group 1651

5